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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 IRFAN GOKCE,) CASE NO. C08-0722-TSZ
09 Plaintiff,)
10 v.) REPORT AND RECOMMENDATION
11 CORRECTIONAL SERVICE CORP.,)
et al.,)
12 Defendants.)
13 _____)

14 On May 6, 2008, plaintiff Irfan Gokce submitted to the Court for review a proposed civil
15 rights complaint in which he alleged that employees at various institutions where he was confined
16 during the course of his immigration proceedings interfered with his ability to properly pursue his
17 asylum application and, as a result, his application for political asylum was denied. (*See* Dkt. No.
18 1.) Plaintiff failed to submit either the \$350 filing fee or an application for leave to proceed with
19 this action *in forma pauperis* with his complaint. Accordingly, on May 8, 2008, the Clerk sent
20 plaintiff a letter advising him that he would have to submit either the entire filing fee or an
21 application for *in forma pauperis* status on or before June 9, 2008, and that his failure to do so
22 could result in dismissal of his case. (Dkt. No. 3.) On May 15, 2008, the Clerk's letter to plaintiff

01 was returned as undeliverable with a notation indicating that plaintiff was no longer at the address
02 provided by him in his complaint. (Dkt. No. 4.)

03 Because mail directed to plaintiff in other pending actions had not been returned, the Clerk,
04 on June 12, 2008, sent plaintiff a second letter advising him of his failure to meet the filing fee
05 requirement and advising him that he would have to correct the deficiency on or before July 14,
06 2008, or this action would be dismissed. (Dkt. No. 5.) It is not known whether plaintiff ever
07 received this second letter. Assuming plaintiff is no longer confined at the Northwest Detention
08 Center and therefore did not receive the letter, this action is subject to dismissal because plaintiff
09 failed to advise the Court of any new address within sixty days of the date the Clerk's first letter
10 was returned. *See* Local Rule CR 41(b)(2). Assuming plaintiff did receive the letter, this action
11 is subject to dismissal because plaintiff failed to comply with the Clerk's directive that he either
12 pay the filing fee or submit an application for *in forma pauperis* status.

13 As plaintiff has had ample time to either advise the Court of a new address and/or to
14 comply with the filing fee requirement, but has done neither, this Court recommends that the
15 instant action be dismissed without prejudice for failure to prosecute. A proposed Order
16 accompanies this Report and Recommendation.

17 DATED this 2nd day of September, 2008.

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19 Mary Alice Theiler
20 United States Magistrate Judge
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